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International Court of Justice

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THE PRESIDENT: Dr. Seidl, you can go on with your witnesses. You have the defendant himself to call and several other witnesses.

DR. SEIDL: Very well.

THE PRESIDENT: And the documents will no doubt be ready by then. We are rising at half past four, and by the time that the Tribunal reassembles, by Tuesday morning, no doubt all the documents will be ready. As to your application, The Tribunal has considered the application and sees no reason to depart from their ordinary rule that the defendant should be called first; that is to say, if you intend to call the defendant.

DR. SEIDL: Oh yes, I have the intention of examining the defendant; but in the interests of accelerating the matter I had suggested that the other witnesses should be heard first, so that the examination of the actual defendant could be as short as possible. It may be possible that he can then answer a number of questions merely by saying yes or no. Another reason why I consider this procedure as best suitable is because a proper examination of the defendant is only possible if I have the document books at hand at the same time. That necessity does not apply to the remaining witnesses. I should, therefore, like to ask the Tribunal to give me permission so that I can first of all hear the witnesses who are already in the witness' room.

THE PRESIDENT: The documents are all or nearly all, I imagine, in German and can be put to the defendant in the course of his examination, and the Tribunal think, as they have already said, that calling the defendant first is in the interests of expedition and they, therefore, feel they must adhere to their rule.

DR. SEIDL: Very well. In that case, with the permission of the Tribunal, I call the defendant Dr. Hans Frank to the witness stand.

HANS FRANK, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you give your full name?

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A Hans Frank.

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth, and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: Will you sit down please.

DIRECT EXAMINATION

BY DR. SEIDL:

Q Witness, when and where were you born?

A I was born on the 23rd of May, 1900, at Karlsruhe in Baden.

Q Please will you briefly state what education you have had?

A In 1919 I finished my studies in secondary school, and in 1926 I passed the state examination for lawyers, which completed my scientific training.

Q And what were the activities you carried out after that?

A I had several legal jobs. I worked as a lawyer. I was a member of the instructional staff of a technical high school and, in the main, I worked as the legal advisor for Adolph Hitler and the National Socialist German Workers Party.

Q Since when have you been a member of the NSDAP?

A I joined the German Labor Party, which was the predecessor of the National Socialist German Workers Party since 1919. I joined the newly formed NSDAP not at all. In 1923, however, I joined the movement in Munich as a member of the SA and, eventually, I entered the NSDAP finally in 1927.

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Q Were you ever a member of the SS?

A I have never been in the SS.

Q That means you have never had a rank of an SS Obergruppenfuehrer or General of the SS.

A I never had the rank of an SS Obergruppenfuehrer or General.

Q Not even honorary.

A No, not even honorary.

Q You were a member of the SA. What was the last position you held therein?

A I was Obergruppenfuehrer in the SA at the end, and this was an honorary position.

Q Which offices did you hold in the NSDAP during the various phases, and which functions did you carry out?

A In 1929 I became the head of the Legal Department of the Reich Leadership office of the NSDAP. In that capacity in 1931 I was also made Reichsleiter of the NSDAP by Adolf Hitler. I held this position until I was called away in 1942. These are the principal offices I have held in the Party.

Q In the main, until the seizure of power you have concerned yourself with legal questions within the Party, haven't you?

A I dealt with questions relating to law and the practice of law in the interest of Adolf Hitler and the NSDAP and its members during the difficult years of struggle, in the interest of the victory of the movement.

Q What were your principal views regarding the idea of the legal state?

A That idea, as far as I was concerned, was contained in Point 13 of the Party program, which was talking about the German common law to be created. In the interest of accelerating the proceedings, I do not wish to make a detailed statement regarding my thoughts. The main point was that I was making efforts to create a model for the legal system in Germany, and by that I mean the independent judge.

It was my train of thought that even if there were a particularly strong development of the Leadership State, even as far as dictatorship, there would be danger for the community and the legal safety of the individual, and that this would be rather smaller if there were a judge who would be

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independent from the leaders of the state and would act amongst the nation.

The question off the legal state, therefore, is identical, to my mind, withthe question of the existence of independent legislation. My principal struggles and discussions with Himmler, Hitler, and Bormann during all these years were more and more directed to this particular sphere. Only when the independent judge in the National Socialist Reich had finally been overcome was my work and my efforts a hopeless case.

Q You were also a member of the German Reichstag, the German parliament.

A Since 1930 I was a member, yes.

Q Which positions did you hold after 1933?

A To start with, I became Bavarian Minister of State for Justice, and after the independent ministries of justice in the several states were dissolved I became minister without portfolio.

In 1933 I became the president of the Academy of German Law, which I had been founding. I was the Reich Leader of the National Socialist Union of Lawyers, which was later on given the title of the Legal Caretakers, and in 1933 and 1934 I was Reich Commissioner for Justice. In 1939 I became Governor General of the Government General in Cracow.

Q What were the tasks of the Academy of German Law which you were a founder of?

A These tasks are contained in the Reich Law regarding the Academy. The main task, the central task, of that Academy was to carry out Point 13 of the Party program, German common law, and in such a way that it would tally with the legal culture in the Germn Reich.

Q Did the Academy of German Law have decisive functions, or was it limited to an advisory capacity?

A The Academy of German Law was the central focusing point of all the leading legal minds in Germany, both theoretical and practical. Right from the beginning I paid no attention to the question whether the members were Party members or not. 90 per cent of its members were not members of the Party. Their task was the preparation of laws, and they were carrying out the activities of an advisory committee in a well organized parliament.

It had been my thought that in accordance with the moving into the

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background of the German parliament, the advisory committees in the German legal world should take their place in the Academy instead of the legal advisory committees in the Reichstag.

In principle, the Academy only participated in laws of an economic or social nature, since in ever increasing measure the participation in all other spheres became more and more impossible, due to the development of the autocratic system.

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Q If I understand you correctly, then the functions of the State with regard to the legal world were therefore in the hands of the Ministry for Justice and that wasn't you.

A No, I was not Minister of Justice in the Reich. The Reichminster of Justice, Dr. G uertner, was, however, not active in the entire legislative world. He was responsible only for those laws which came immediately under his ministry. Legislation in the Reich, in accordance with the authorizin law, was in the hands of the Fuehre and Reichschancellor and the entire Reich G overnment. Consequently, my name appears in the Reich Law Gazette at the bottom of only one law, and that is the law regardin the reintroduction of general rearmament, but I am proud to find my name at the end of that law.

Q You have stated earlier that during 1933 and 1934 you were Bavarian Minister of Justice.

A Yes.

Q In that capacity, did you have an opportunity to act in connection with concentration camps or to state your views, and under what circumstances did that happen?

A I did in connection with the camp at Dachau, in connection with the report which came from the Advocate General's Department in Munich to me on the occasion of the killing of the Munich solicitor Dr. Strauss. The Adjutant General's Department complained to me because I had given them orders to investigate this murder, and they stated that they had been refused admission to the concentration camp at Dachau by the SS.

Subsequently, I approached the Reich Town G overnor, General von Epp, and asked him to attend the meeting, during which I produced the files regarding this killing and pointed out the impossibility of such an action on the part of the SS, and stated that up to that moment representatives from the German Public Prosecutor's Office had had an opportunity to investigate any killing in connection with which suspicion arose, and that a departure, at least until then, had not become known to me. After that, I continued by protesting against this method to the Reich Minister of

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Justice, Dr. G uertner, who was the supreme head of the legal system in Germany, and I pointed out that this meant the beginning of a development which was threatening the legal system in G ermany in the most serious manner possible.

By request of Heinrich Himmler, Adolf Hitler intervened personally in this matter, and he used his power to terminate any legal proceedings. This particular case was, therefore, discontinued, and I declared that I would resign as Minister of Justice, but I was refused permission to do so.

Q When did you become Governor General of the Occupied Polish Territories, and where did this nomination reach you?

A On the 24th of August 1939, I was called up as an officer of the reserve to join my regiment in Potsdam. At the time, when I was in the middle of training my company, it was on the 17th of September, or it may have been the 16th, when I was making my last preparations to march off to the front, that a telephone call came through from the special train of the Fuehrer, ordering me to go to the Fuehrer at once.

The following day I traveled to Upper Silesia where

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that special train was stationed at that time. At that time, in a very short conference which lasted less than ten minutes, he gave me the order, as he expressed himself at the time, to take over the functions of the Civilian Governor for Occupied Polish Territories.

At that time the entire conquored Polish territories were under the administrative command of a military commander, General von Rundstedt. Towards the end of September, I was attached to von Rundstedt's staff as the Chief of the Administrative Section, and it was to be my job to deal with administrative tasks within the military set-up, but in a narrower sense it was discovered after a very brief period that this method could not be carried out, and so, with effect from the 26th of October, the Polish territories were sub-divided into one part which came to the German Reich and another part which then became the Government General, and I was appointed Governor General.

Q We have now discussed the various positions which you held during the various periods. I am now asking you: Did you, in any of the positions you held in the Party or the State, participate decisively in the political events of the last 20 years?

A In this sphere, which was close to me, I have done everything that you can possibly be expected to do, being a man who believes in the greatness of his nation and being a man who believes in the National Socialist movement. So I did everything to bring about a victory of Adolf Hitler and the National Socialist movement.

I have never participated in political decisions on any high level because I was not one of the immediate assistants of Adolf Hitler. I was therefore never consulted by Adolf Hitler on general political questions, nor did I take part at any time in conferences about such problems, be it alone for the reason that during all the years from 1933 until 1945 I was only received six times by Adolf Hitler personally to report to him about my sphere of activities.

Q What share did you have in legislation in the Reich?

A I have already told you, and I need not refer to it again.

Q Did you, as a Minister in the Reich or in anyother State or Party employment, want this war, or did you desire a war which would mean violation

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of agreements which had been made?

A One cannot want a war as such. A war is something terrible. We have lived through it; we did not want a war. We wanted Germany to be great, and we wanted Germany to be free and healthy. It was my dream and the dream of every one of us to bring about a revision of the Versailles Treaty by peaceful means, which had been proposed in that very treaty. But since in this world of pacts between nations only that man who is strong has anything to say, Germany had to become strong first before we could negotiate.

That was how I saw the development, the strengthening of the Reich, reinstitution of its sovereignty everywhere, and connected to that the possibility of liberation from the unbearable shackles which had been imposed upon our people. I was happy, therefore, that Adolf Hitler, in a rise unparalleled in the history of mankind, a wonderful rise, succeeded by the end of 1933 in achieving those very aims. I was equally unhappy when in 1939 I had to note that in an ever increasing manner Adolf Hitler appeared to be departing from that method to replace it by others.

THE PRESIDENT: This seems to have been covered by what the defendant Goering told us, by what the defendant Ribbentrop told us.

DR. SEIDL: The witness hasalready completed his statement on this point.

BY DR. SEIDL:

Q Witness, what was your share in the events in Poland after 1939?

A I will bear responsibility, and when, on the 30th of April 1945, Adolf Hitler ended his life, I made a resolution that I would state that responsibility of mine to the world as clearly as I possibly could.

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The forty-three volumes of my diary, which report on all these events and the share I had in them, have not been destroyed by me, but, of my own free will, I have handed them voluntarily to the officers of the American Army who arrested me.

Q Witness, do you feel guilty of having commited violations of international law or having commited crimes against humanity?

THE PRESIDENT: That is a question that the Tribunal has go to decide.

DR. SEIDL: Then I shall drop the question.

BY DR. SEIDL:

Q Witness, what do you have to state regarding the accusations which are contained in the Indictment against you?

A I have only got to say, as far as these accusations are concerned, that I am asking this Tribunal to decide upon the degree of my guilt at the end of my case. I myself, speaking from the very depths of my sentiments and from the experience of five months of this trial, want to say that now that I have gained the last insight into all that which has been commited in the way of dreadful atrocities. I feel a terrible guilt within me.

Q What ends did you have when you commenced to act as Governor General?

A I was not informed about any thing. I have heard about special action commandoes of the SS during this trial. And, closely connected with my nomination, special authorities were given to Himmler at once. My jurisdiction was limited, if not taken away from me, and economy, social policy, food policy, and so on, were all matters which were being dealt with by departments in the Reich. Therefore, I could only consider it my task to take care, amongst this sea of flames of this war, that some sort of an order should be created which would make it possible for man to live.

The work I did there, therefore, cannot be judged by the phenomena of the moment, but must be judged in its entirety, and we shall have to come to that later.

My aim was to guarantee justice without violating the interests of our warfare.

Q Witness, did the police, and particularly the Security Police and SD, come under your juridiction in the Government General?

A The higher SS and Police Leaders were principally subordinated to the Reichsfuehrer SS Himler. The SS did not come under my command, and any orders or instructions which I might have given would not have been obeyed.

Witness Buehler will have to cover this question in detail.

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The total structure was such that the Higher SS and Police Leaders could, formally speaking, come under my orders, but in fact, and in accordance with his activities, he was an organ of the Reichsfuehrer SS Himmler.

This state of affairs, even as early as November of 1939, was the cause of my first offer to resign, which I made to Adolf Hitler. It was a state of affairs which was making things more difficult as time went by. In spite of all my attempts to gain control in this sphere of influence, the deterioration continued more and more. To have an administration without a police executive is an impossibility, and this transpired more and more.

The officials of the police, so far as discipline, organization, pay, and orders were concerned, came exclusively under the German police system in the Reich, and there was no connection of any kind with the administration in the Government General. The officials of the SS and police did not regard the Government General as the home of their duty, and therefore the police area was not called "Police Area, Government General." The Higher SS and Police Leaders did not call themselves SS and Police Leaders in the Government General, but Higher SS and Police Leaders East.

However, I don't propose to go into detail at this point.

Q Witness, did the concentration camps in the Government General come under you, and did you have anything to do with their administration?

A Concentration camps were entirely a matter for the police and had nothing to do with the administration. Members of the civilian administration were officially prohibited from entering the camps.

Q Have you yourself ever been in a concentration camp?

A In 1935 I participated in a visit to the concentration camp at Dachau, which had been organized for the Gauleiters at that time. That was the only time that I have entered such a camp.

Q Witness, in 1942, by a decree of the Fuehrer, a State Secretary for the Security System in the Government General was created. The date is May, 1942. How did the creation of that secretariat come about?

A It was one of the many attempts to solve the problem of the police in the Government General. I was very happy at that time because I thought now we had found the way. I am certain it would have worked if Himmler and Krueger had adhered to the principle of this decree, which was cooperation and not working

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against each other. But it transpired, after a very short period, that this renewed attempt too was merely a camouflage and that the old conditions continued to prevail.

Q On the 3rd of June, 1942, and on the basis of this Fuehrer decree, there came another decree regarding the transfer of the business to the Secretary of State for the Security System. Is that true?

A I assume so. I cannot remember the details of that document, of course.

Q In that case I shall ask the witness Bilfinger about this point.

A But I would like to say one thing in connection with that question. You are always speaking about the SS, and you are considering the SS and the police as one large complex. It would be an untruth if I did not correct that conception. The SS and the Waffen-SS and the Police have contained so many clean and soldierly men, whom I have met as the years went by, that the problem of the SS must be considered in connection with the judgment on the criminal activities which they have carried out.--and it can be as clearly separated here as it could be in any social question. The SS, as such, was no more criminal than would be any other mass which appears during certain political events. What was dreadful was that the highest chief and a number of others, who had been given considerable authority, were misusing the typically faithful attitude of the German soldier.

Q Witness, anothe question. In the decree concerning the creation of the State Secretariat for Security, It is ordered that this Secretary Of State-- which in this case is the Higher SS and Police Leaders--before making principal decisions, has to call on you for your agreement. Did that take place?

A No; I was never called upon in that connection, and this was the cause for me to realize the impossibility of this attempt, after so short a time.

Q Did the Higher SS and Police Leader, and SS Obergruppenfuehrer Krueger particularly, obey orders which you yourself had given him?

A Please, would you repeat the question? It didn't come through too well. And please, Dr. Seidl, you are speaking a little too loud.

Q Did the Higher SS and Police Leader, who was the Secretary of State for Security, obey orders which you gave him in your capacity as Governor General?

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A In no single case. On the strength of this new decree I have repeatedly given orders. These orders were supposedly communicated to Heinrich Himmler, and since his agreement now became necessary these orders were never obeyed. Some special cases can be quoted by the Secretary of State Buehler when he is here as a witness.

Q Did the Reichsfuehrer SS and chief of the German police, Himmler, before he carried out security police measures in the Government General, ever ask your agreement?

A In no single case.

Q The Prosecution have submitted a document, L-47. It has the USA Exhibit No. 506. It is a letter from the commander of the security police and SD of the District of Radom, addressed to the outside service department at Gomachow. This document contains the following statement:

"The Higher SS and Police Leader East, on the 28th of June 1944, has given the following order:

"The security situation in the Government General has deteriorated so much during the recent months that the most severe measures and the most radical means must now be employed against such attackers and saboteurs. Reichsfuehrer SS, with agreement of the Governor General, has made his reply and stated that in every case where attacks or attempted attacks against Germans have taken place, not only the perpetrators should be shot when caught, but that over and above this all men of their clan should also be executed, and that females above the age of sixteen should be transferred to the concentration camp."

A As I have told, agreement regarding such orders from Reichsfuehrer SS Himmler was never called for in any single case. Your question has already been answered. In this case, too, it was not asked for.

Q Witness, were you at least, before the carrying out of such orders from the Reichsfuehrer SS Himmler or the police leaders, previously informed?

A The reason given why this wasn't done was always the same. I was told that these people were living in the Government General but that they were also living in those territories which had been handed over to the Reich.

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The combatting of the Polish resistance movement would have to come under unified control from some central source. This central source, of course, was Heinrich Himmler.

Q Witness, what jurisdiction did you have in the general sphere of administration?

A I think it would accelerate this trial if the witness Buehler could be asked about these questions. If the Tribunal so desires it, I would of course answer this question now. In the main I was concerned with the setting up of the usual administrative departments, such as the culture, finance, and science departments.

Q Was there a representative from the Polish and Ukrainian people in the Government General?

A Yes. The Polish and Ukrainian population were dealt with according to regions. The representatives from the various districts were centralized at the head in the so-called assistance committees. There was a Polish and a Ukrainian assistance committee. At the head of the Polish assistance committee for a number of years was Count Roneker, and at the head of the Ukrainian assistance committee was Professor Kubiowicz. I made it compulsory to all my departments that whenever general questions arose they should be touched upon with these assistance committees, and that was in fact carried out. I myself have had continuous dealings with them all the way through. Complaints were brought to me and there was a free change of views. My complaints and memoranda which I sent to the Fuehrer, for instance, were mostly based on the reports I had from these assistance committees.

A second form of participation on the part of the population in the administration of the Government General existed along the lowest level of administration, which in the entire Government General was left in the hands of the native population. Ten to twenty villages had as their head a so-called "Voyd". This Polish word Voyd is the same as the German word "Vogt" -- V-o-g-t. He was the, so to speak, lowest administrative unit.

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The third form of participation from among the population as far as administration was concerned was the fact that in the Government General, and including postal and railway service, 280,000 Poles and Ukrainians continued in the service of the state of the Government General as civil servants.

Q What were the figures compared between the Polish and German civil servants?

A The figures varied. Among the German civil servants the number was very small. There were sometimes in the whole Government General, which is 150,000 square kilometers--that means it was half as large as Italy--40,000 German civil servants on the outside. That meant one German civil servant to an average of at least six non-German civil servants and employees.

Q Which territories did you administer as Government General?

A The Poland which had been jointly conquered by the German and Soviet Russian forces was divided, first of all, between the Soviet Union and the German Reich. Of the 380,000 square kilometers--which is an approximate figure--of the Polish State, the Soviet Union received approximately 200,000 square kilometers and the German Reich approximately 170,000 to 180,000 square kilometers. Please don't tie me down to figures too exactly; but that is roughtly what the situation was.

That part of Poland which was taken over into Soviet Russian territory was immediately treated as an integral part of the Soviet Union. The border demarcations in the east of the Government General were the ordinary Reich frontier demarcations of 1939. That part which came to Germany was divided thus: 90,000 square kilometers into the Government General and the remainder was included in the German Reich.

THE PRESIDENT: I don't think there is any charge against the Defendant on the ground that the civil administration was bad. The charge is that crimes were committed, and the details of the administration between the Government General and the department in the Reich are not really in question.

DR. SEIDL: The only reason, Mr. President, why I put that question

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was so as to show you the difficulties with which the administration had to cope right from the beginning, and which meant that an economic one was divided into two. But I now come

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to the next question.

Q Did you ever have hostages shot?

A My diary contains the facts. I myself have never had hostages shot.

Q Did you ever participate in the destruction of Jews?

A I say yes, and the reason why I say yes is because, being under the impression of these five months of this trial, and particularly under the impression of the statements made by the witness Hoess, I cannot allow it before my conscience that responsibility for all this should be handed over to these small people alone. I myself have never installed an extermination camp for Jews or demanded that they should be installed, but if Adolf Hitler personally has turned that dreadful responsibility over to these people of his, then it must be mine too. We have fought against Jewry; we have fought against it for years; and we have allowed ourselves to make utterances, and my own diary has become a witness against me in this connection -- utterances which are terrible. It is my duty -- my only duty -- therefore, to answer your question in this connection with Yes. A thousand years will pass and this guilt of Germany will still not be erased.

Q Witness, what was your policy for the recruiting of laborers for the Reich when you were Governor General?

A I beg your pardon?

Q Which policy did you pursue for the recruiting of laborers for the Reich?

A The policy is contained in my decrees. No doubt they shall be held against me by the Prosecution, and I consider it will save time if I answer that question later, with the permission of the Tribunal.

Q Witness, did Hitler give you any instructions how you should exercise your duty as Governor General?

A In the first ten minutes of the occasion when I visited him in his special train Adolf Hitler gave me the instruction that I should see toit that this territory, which had been completely destroyed, where all bridges had been blown up, all railways destroyed, and where the population was completely displaced, was put into order somehow, and that I should see to it that this territory could become a cooperative addition to the terribly difficult economic situation in the Reich.

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Q Did Adolf Hitler support you in your work as Governor General?

A All my complaints, everything I reported to him, was, unfortunately, dropped into the wastepaper basket by him. I didn't offer my resignation fourteen times for nothing. It wasn't for nothing that I tried to join my brave troops as an officer. He, inside, was opposed to lawyers, and that was one of the most serious shortcomings of this great man. He did not want to recognize formal responsibility, and that, unfortunately, applies to his policy too. Every legal man to him was a disturbing influence for his power. All I can say, therefore, is that by joining Himmler and Bormann in their course and supporting their aims to every extent, that in this manner any attempt to find a form worthy of the German name was useless.

Q Witness, which departments in the Reich gave instructions to you regarding the administration of the Government General?

A So as to accelerate the trial, I should suggest that the witness Buehler should state the whole structure of that administration.

Q Witness, did you ever secure art treasures?

A The accusation, which refers to me personally and which has hit me worst, is that I myself am supposed to have enriched myself from art treasures from the country which was entrusted to me. I had not installed museums and picture collections, and I didn't find time during this war to steal art treasures. I have seen to it that the entire art property of the country which was entrusted to me was officially registered, and that official register is contained in a document which was published quite openly. I have seen to it more than anything that these art treasures, right to the very end, remained in the country. In spite of that, art treasures have been taken away from the Government General. A part was taken away before my administration became active at all. Experiences show that responsibility on the part of an administration can only be talked about after some time of running, namely, when the lowest level of the administration has been installed. So that from the beginning of the war, the 1st of September 1939, until this point, which was about New Year's, 1939 or 1940, there was an uncontrollable measure of removal and uncontrollable extent under which art treasures were removed eitheras booty of war or under some other pretext.

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During the registration of art treasures, Adolf Hitler gave the order that the Veit Stoss altar should be removed from St. Mary's Church in Cracow and taken to to the Reich. The Mayor Liebel, from Nurnberg, came to Cracow personally for that purpose with a number of SS men to take away this altar. Another case, the articles were confiscated in Lemberg before my time came and they were etchings by Duerer. In 1944, shortly before the collapse, art treasures were taken to the Reich and in the Castle of Seichau, in Silesia, there was a collection of art treasures which had been put there by Profesor Kneisl. One last collection of art treasures was handed over to the American by me personally.

Q Witness, did you, in the Government General, introduce ghettos?

A I have issued an instruction regarding the erection of Jewish dwelling districts. I can't remember the date at the moment. The necessities for this, I should like to explain to the prosecutors.

Q Did you introduce the marking of Jewish persons?

A Yes.

Q Did you, in the Government General, introduce forced labor?

A Forced labor,to be forced to work, that was one of the first decrees, but it comes quite clear from the wording that I was only thinking of a duty to work in the land, in the country in this connection, so as to repair the damage caused by war and for the purpose of carrying out work which was necessary for the country itself, which is of course the same degree of labor which had to be carried out in the Reich.

Q Did you in the Government General, as was stated by the prosecution, plunder libraries?

A I can answer that question clearly with "no". The largest and most valuable library which we found, which is the Jakelon (?) University Library in cCracow which fortunately was undestroyed, was transferred to another building by my own personal orders, and in its entire property, including the oldest documents, were looked after there, as necessary.

Q Witness, did you as Governor General close the universities in the Government General?

A The Universities in the Government General were closed when we arrived, because of the war. The reopening of universities was prohibited by order

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of Adolf Hitler. I have dealt with the needs of the Polish and Ukrainian population by introducing high school courses of instruction for Polish and Ukrainian students which were in fact nothing other than the work done by high schoo that the departments in the Reich could not criticize this action of mine in any way. The university life was in fact continuing to a degree, restricted by the war, for Poles and Ukrainians, too, and it was guaranteed all the more since the requirements for home-trained academic persons, that is, doctors, legal men, teachers and medical men did, of course, exist.

THE PRESIDENT: Would that be a convenient time to break off for ten minutes?

(A recess was taken).

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Q Witness, we were last speaking of the universities. Did you yourself as Governor General close the middle schools?

A My suggestion to open up the gymnasiums and middle schools was rejected by Adolf Hitler. Then we solved the problem by continuing the middle school education on a private basis to a further extent.

Q Now, a principal question.

The prosecution accuses you of the fact that the land which you administered as General Governor was plundered by you. What do you say about that?

A Well, that accusation certainly is a summary judgment for all economic things that have gone on in that country in connection with the German Reich. First, I would like to emphasize that the Government General was faced with a terrible economic crisis from the beginning.

The country had approximately twelve million inhabitants. The area of the Government General was the least fertile part of the former Polan. Then the border against the Soviet Union as well as the one between the Government General and the Reich had been fixed in such a way that the most essential and for the economic life most important elements were left outside. The borders toward the Soviet Union and the German Reich were closed immediately and thus it came about that at first we had to work from nothing into nothing.

Galicia, the most important area for the Republic of Poland from the point of view of nutrition went to the Soviet Union. The province of Posen now belonged to the German Reich. Coal and industrial areas of Upper Silesia were within the German Reich. The borders to Germany were fixed in such a way that the iron in Czenstochowa remained with the Government General. However, the areas from which the ores came, ten kilometers from Czenstochowa were incorporated into the German Reich.

The town of Lodz, the textile center of Poland came into the German Reich. The City of Warsaw with a population of millions became a border city because the German border came as close as fifteen kilometers to that city and the result was that the entire agricultural hinterland of that city was no longer at their disposal and thus a large number of

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of individual facts could be mentioned but that would lead too far afield. Therefore, first one had to see that life could continue somehow.

The nutrition for the City of Warsaw in the first weeks could only be acquired with the aid of German institutions for mass feeding. The German Reich at that time sent six hundred thousand tons of grain and that created a hard responsibility for me.

I began the financial economy with twenty millions of zloti which I received from the Reich as advance. If I had to start an economy which had been destroyed by the war as that was and if I think in the year 1944 on the first of January the savings accounts of the native population amounted to eleven and a half billions of zloti and that we had succeeded until then to improve the nutrition of the population to a certain.

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extent and if furthermore, I may point out that during that period as to all reconstructed factories and industrial centers which had taken place and in which the Reich Offices had taken great interest, especially Reich Marshal Goering and Minister Speer have acquired great meric in that connection in aiding the reconstruction of the industry of the country, and that in that industry more than two million fully paid and employed workers were working; that the result of the harvest had come to 1.6 billion tons; that the yearly budget of twenty million zloti in the year 1939 had increased to 1.7 billion zloti; then these are only sketchy points which I may offer to try to describe the general development.

Q Witness, in your capacity as Governor General and in the areas which you had under your administration, did you prosecute churches and religion?

A With the Archbishop now Cardinal Sabieha in Cracow I was in continuous personal contact. He told me about all his complaints and they were not few. I myself had to intervene for the Bishop of Lublin and to get him out of the hands of Mr. Globotchnik in order to save his life.

Q You mean the Gruppenfuehrer?

A Yes, that is the one.

But I may summarize the situation as the Archbishop had said in a letter which he sent to me in 1942 and in which he said literally that he thanked me for my tireless efforts to secure church life.

We reconstructed seminars for priests and we investigated each case of the arrest of priests as much as that was humanly possible. The tragic cases of the two assistants of the Archbishop Sabieha who had been shot and which has been mentioned here once by the Prosecution, that has touched me deeply myself. I cannot say anymore. The churches were open, the seminars were educating priests, the priests had possibilities for normal functions. The monestary at Czenstochowa was under my personal protection. The monestary of the Camaldulenzians near Cracow, an order, was also under my personal protection. There were large posters around the monestary indicating that these monestaries were protected by me personally.

Q Witness, when did you hear for the first time about the concentration camp at Maidanek?

A I heard thename Maidanek the first time in 1944 in connection with foreign reports. But there were for years about that camp in Lublin or near

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Lublin contradictory reports. Governor Zoerner reported to me, I believe already in 1941, that the SS had established or intended to establish a large concentration camp near Lublin and had sent large orders for building materials. At that time I charged State Secretary Buehler to investigate that matter immediately and I received the report later in writing also from Reichsfuehrer SS Himmler that he had to establish a large camp in order to take care of the requirements of the Waffen SS for clothes and shoes by manufacturing them in large shops. Thus, that camp was established under the title of "SS Works" or something similar.

Now, I have to say I was in a position to get information since the witnesses who have been heard thus far have said under oath that in the circles of the Fuehrer one did not know anything about all these things. We out there were apparently more independent and I heard quite a lot through enemy broadcasts and enemy and neutral papers or upon continuous questioning as to what was to happen to the Jews who were deported I was always told they were to be sent to the East, to be collected there, and to work there. But, so to say, through the walls one could smell the stench and therefore I always insistently investigated what was going on.

Once I received a report through Belsak that there was something going on near Belsak. I went to Belsak the next day. Globotschnik showed me a tremendous ditch which he had set up as a protective wall with many thousand workers, apparently Jews. I spoke to some of them, asked them where they came from, how long they were there and he told me, that is Globotschnik: "They work here now and after they are through -- they came from the Reich or somewhere from France, and then they will be sent further to the east." In that area I did not make any further observation.

The rumor that the Jews were killed in that manner which is now known to the entire world, that rumor did not die. When I mentioned my wish to visit the SS workshops near Lublin in order to get some impressions about the value of the work I was told that I need special permission from Heinrich Himmler.

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I requested Heinrich Himmler that for special permission and he stated that he would urge me not to go to that camp.

Some time passed, and on the 7th of February, 1944, I finally succeeded, for the third time, that is, during the war, to be received by Adolf Hitler personally. In the presence of Bormann, I put the question to him: "My Fuehrer, rumors about the extermination of the Jews do not cease. One hears them everywhere; one cannot see anything. In Auschwitz I had arrived once surprisingly to see the camp and I was told that there was an epidemic in the camp and, before I ever got there, I had to take a detour. I say, My Fuehrer, what is beind all that?" The Fuehrer said, "You can very well imagine that there are executions that take place. Otherwise, I do not know anything. Why don't you speak to Heinrich Himmler about that?" And I said, "Well, Himmler has made a speech in Cracow, as I asked him to, in which he, in front of all the employees whom I had called and assembled, declared that these rumors about the systematic extermination of the Jews was false; the Jews were just brought to the East." Then the Fuehrer said, "Then you have to believe that."

When in 1944, I got the first details about that procedure from the foreign press, my first question was to the SS Obergruppenfuehrer Koppe, who had been put in the place of Krueger. "Now we know;" I said, "you will not be able to dispute that." And he said that nothing was known to him about these events; apparently that was something between Heinrich Himmler and the people there in the camp. "But", I said, "I have already in 1941 heard about such places and I have also mentioned them; I have spoken about them." So he said, "Well, this is your business." He couldn't worry about it. The Camp of Maidanek was administered by the SS in the sense which I've mentioned before and, apparently, in the same manner as the witness Hoess has mentioned it. That is the only explanation that I can find.

Q You, therefore, did not know of the conditions in Treblinka, Auschwitz, and so on?

A Does Treblinka belong to Maidanek or is that a separate camp?

Q I don't know; it seems to be a separate camp. Auschwitz is not

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in the area of the Government General.

A I was neither in Maidanek nor in Treblinka, nor in Auschwitz.

Q The Prosecution under No. USA 275 presented the report of the SS Brigadefuehrer about the extermination of the Warsaw Ghetto. Before that took place, did you know anything about that and have you ever seen that report?

A I was surprised that the American Chief Prosecutor in his opening speech admitted the document here with pictures about the destruction of the Warsaw Ghetto; when he said that that report was sent to me. But that has been clarified in the meantime. The report was never sent to me and I have never seen it in that form. And, thank Heavens, through several witnesses and affidavits most recently, it has been explained that this destruction of the Ghetto in Warsaw took place upon a directive by Himmler and without any interference of Government General. If in our meeting anybody spoke about that Ghetto, they always said that was the revolt in the Ghetto of Warsaw which we had to fight down with artillery; reports which existed about that never seemed credible to me.

Q What measures did you take in order to secure the nutrition of the Government General?

A Well, the large numbers of measures were to reestablish normal agriculture, to get agricultural machines, to distribute seeds, and the usual forms.

Q That I will ask the witness Buehler later.

A The Reich helped a great deal in that respect. The Reich sent for many millions of marks, seed experts, livestock machines, etc.

Q Witness, you have told us now what you did in the interest of the welfare of the population of the Government General; but the Prosecution accused you of having made a number of statements, and they found them in your own diary, which seemed to contradict that. How can you explain that contradiction?

A One has to take the diary as a whole. Forty-three volumes cannot be read to easily, and it is impossible to take individual sentences out of

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their contents. Generally, I would like to say that I would not argue about words. It was a wild stormy period, with terrible passions, and in the tempest of the flaming country and of a decisive struggle for life or death such words may easily fall.

Q Witness--

A Some of these words are terrible. I have to say that I, myself, was shocked about many words which I've said.

Q Witness, under No. USA 297 the Prosecution submitted a document which deals with a conference which you apparently had in '39 or '40 with an officer, the Supreme Chief of the Administration, Ober-Ost, I will have the document handed to you and ask you to tell me whether the report of that man as it is contained in the document agrees with what you have said. It is on page 1, on the bottom, the second paragraph. That is a shortened summary of a speech.

THE PRESIDENT: Dr. Frank, what is the number?

THE WITNESS: 297, I believe.

DR. SEIDL: I beg your pardon. On the cover?

THE WITNESS: On the cover it says 244. I will return the document. Would you kindly ask me about the individual contents?

DR. SEIDL: The number is 297, Mr. President.

THE PRESIDENT: Yes, it is USA 297. It is EC-344, 16, 17; is that right?

DR. SEIDL: Yes.

BY DR. SEIDL:

Q It says here, during the first conversation which the Chief of the Central Department had with the Reich Minister Frank on the 3rd of October, 1939, in Posen, the latter presented the task which had been given him by the Fuehrer and the ways in which he intended to administer his area. Therefore, it would be necessary to recruit manpower to be used in the Reich, and so on.

I have just summarized it, Mr. President.

A I am sure that these utterances were not made in that form.

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Q But you will not exclude the possibility that you had spoken with that man?

A I cannot remember it.

Q Then, I come to the next question.

A By the way, it seems more important what really happened than what had been spoken.

A Is it correct that your activities as Governor General and many perpetrations by the police and SD were based on the activities of guerrilla bands?

A Bands? One has to say that was the resistance movement which from the first day on was very active and, by supporting our enemies in the war, presented the most difficult problem which I had to cope with during all these years. For this resistance movement was the internal complex for excuses for the police and SS at the occasion of all measures which, from the point of a regular administration, were very regrettable. In fact, that resistance movement, I would not like to call "bands", groups of bandits, because, if a people has been conquered during a war and organizes an active resistance movement, then that is something entirely different; but the methods of the resistance movement departed to a large extent from that framework of a heroic struggle of resistance.

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German women and children were slaughtered under the most atrocious circumstances. German officials were shot; trains were derailed; dairies were destroyed; and all measures which would have led to improvement of conditions in the coutry were undermined systematically.

And against the background of these incidents, which occurred day after day almost during the entire period of my activity, one has to see the events in that country. That is all that I could say in that connection now.

Q. Wilness, in the year 1944 under General Bor a revolt broke out in Warsaw. What was the part of the administration of the Government General? What was your part in the conquering of that revolt?

A. That revolt broke out when the Russian Army had approached to about 30 kilometers on the eastern back of the Vistula. It was a sort of combined operation, and, as it seems to me, also a national Polish operation, as the Poles at that last moment wanted to carry out the liberation of their capital on their own and did not want to owe it to the Soviet Russians. They probably were thinking of how in Paris at the last moment the Resistance Movement, even before the Allies had approached, had carried out the liberation of the city.

The operation was a military one. As Supreme Commander of the German troops which had to fight the revolt, I believe SS General von dem Bach-Zelewski was appointed. The civilian administration, therefore, did not have any part in these struggles. The part of the civilian administration begins after the capitulation of General Bor when the most atrocious orders of vengeance came from the Reich.

A.letter flew upon my table one day in which Hitler demanded the deportation of the entire population of Warsaw into concentration camps. It took a struggle of three weeks in which I was victorious in order to avert that insanity and to achieve that the population of Warwas which had had no part in the [redacted]lt could be distributed over the Government General.

During that revolt, unfortunately, the most serious damage occurred for the city of Warsaw. Everything which had been rebuilt during several years had burned down during a few weeks. Besides, State Secretary Buehler in order to save time could give us more information about details.

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Q. Witness, you are also accused of having suppressed the cultural life of the population of the Government General, especially in the field of Theater, broadcasting, film -- what can you say about that?

A. The Government General offered the same pictures of every occupied country. We do not have to look far into the country now from this court room in order to see how an occupied country lives.

We had broadcasting in the Polish language under German supervision. We had a Polish press which was supervised by Germans, and we had a Polish school system, that is, elementary schools and high schools, in which at the end, 80,000 teachers taught in the service of the Government General. Polish theaters, as much as it was possible, in large cities were reopened, and where German theaters were established we made sure that there was also a Polish theater at the same time.

The grotescue picture could be seen that after August of 1944 at the occasion of the proclamation of the so-called total war, when the German theater was closed in Cracow because all German theaters were closed at that time, that the Polish theaters continued to play.

I myself, from a group of the most important musicians of Poland whom I found there in 1939, selected composers and virtuosos and founded the Philharmonic Orchestra of the General Government, which took an important part in the cultural life of Poland. I established a Chopin museum in Cracow, and from all over Europe I collected the last relics of Chopin.

Q. I believe that is sufficient. Witness, you deny, therefore, to have taken any measures which would have been directed to exterminating Polish and Ukrainian culture.

A. Culture cannot be exterminated. Any measures which would be taken wit that intention would be sheer nonsense.

Q. Is it correct that as much as it was in your power you have done everything in order to avoid epidemics

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and to improve the state of health of the population?

A That State Secretary Buehler will be able to confirm in detail. I can say that everything humanly possible was done.

Q Witness, the Prosecution, under Number USSR-223, has submitted an excerpt from a diary which deals with the report about a police conference of the 30th of May 1940, and we find herefrom pages 33 to 38 the following---

A (Interposing) Unless the Court orders it, you don't have to read that.

Q No, I only want to read one sentence, which results to the Cracow professors. Apparently, if that diary is correct, you have said--

A (Interposing) May I say something about the Cracow professors right away?

On the 7th of November 1939, I came to Cracow. On the 5th of November 1939 before my arrival, SS and police, as I found out later, called the Cracow professors to a meeting. Then they took the men, dignified, old men among them, and brought them into some concentration camp. I believe it was Oranienburg. I found that report, and against everything which may be found there in my diary, I want to emphasize here under oath that I did not cease in my attempts to get the last one of the professors whom I could reach to be released in March 1940. That is all which I have to say to this

Q The same police meeting of the 30th of May 1940 also dealt with the so-called A.B. Action, that is, with the extraordinary pacification action. Before I put the question to you which is concerned with it, I would like to read to you two entries in the diary. One is of the 16th of May 1940, and here, after describing that extraordinary tension then existin, you have stated the following:

That, first of all, an action for pacification should have to start, and then you said: "Each terror action has to be avoided; in all cases the authority of the Fuehrer and of the Reich has to be in the foreground."

I omit several sentences and quote the end:

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"The action will go at first until the 15th of June."

On the 12th of July a conference took place with the Ministerialrat Wille, who was the chief of the Main Department Justice, and there you have said literally about the question what should happen to the political criminals which had been arrested during the A.B. Action:

"There is to be a conference with State Secretary Buehler, Obergruppenfuehrer Streckenbach, and Ministerialrat Wille." End of quotation.

What actually happened during that A.B. Action?

A I cannot say any more or less than what is contained in the diary. The situation was extremely tense. Month after month assassinations increased. The general attitude of the rest of the world against all our efforts to pacify the country which supported the resistance movement had reached an extraordinary measure, and thus it came to these general measures, not only in the Government General but also in other areas; and that was ordered by the Fuehrer.

My efforts were directed in order to limit it as to the number of individual actions, and I was successful in that. Besides, I should like to emphasize that I have also directed that I intended to use the right of clemency in each individual case, and for that purpose wanted to see the police and SS verdicts and wanted to have them presented to a committee which I had formed in that connection. I believe that must be found in the diary also.

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Q Probably the witness Buehler knows some more about it.

A In spite of all that, I would like to say that the method used at that time was a trememdous mistake.

Q Witness, have you at any time recognized the principle introduced by the SD and SS about the responsibility of the Sippe or family?

A No,,on the contrary. When I received the first reports about it, I complained to Reich Minister Lammers about that peculiar idea.

Q The top SS and Police Leader Ost was Obergruppenfuehrer Krueger. When was this SS leader recalled and how did it come about?

A After the relations between him and myself became entirely impossible, he founded an SS and police regime and it could not be solved in any other way but that either he or I had to go. I think that at the last moment, by intervention of Kaltenbrunner, if I remember correctly, and of Bach-Zelewski, that peculiar fellow was removed.

Q The Prosecution once mentioned that it was more a personal struggle for power, or is it, rather, correct that there were differences of opinion in basic questions?

A Of course it was a struggle for power. I wanted to establish power in the sense of my memoranda to the Fuehrer, and therefore I had to fight the power by violence.

Q The successor of SS Obergruppenfuehrer Krueger was SS Obergruppenfuehrer Koppe. Were his principal ideas different?

A Yes. I had that impression, and I am thinking of him when I say that even in the SS, especially in the SS, there were many decent people, very sensitive in matters of law.

Q Were there, in the Government General, Polish and Ukrainian police?

A Yes, there were 25,000 men of Polish security and criminal and order police, and about 5,000 men of Ukrainian police. They also were under the German police chief.

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Q Witness, now I come to one of the most important questions. In 1942, in Berlin, Vienna, Heidelberg, and Munich, you made speeches before large audiences. What was the purpose of these addresses and what were the consequences for you?

A The speeches can be read. It was the last effort that I made to persuade Hitler, by the tremendous resonance of the German people, about the necessity of law. I stated at that time that the Reich could not exist without law, and more in that vein. After I had been under police surveillance for several days in Munich and in places of these speeches, I lost all my Party functions. Since it was a matter of superior policy under the sovereignty of the German Reich, I would not like to make any more statements about it.

Q Is it correct that in connection with that you offered your resignation, and what was the answer?

A I offered my resignation permanently, so to say, and I received the same answer, that for foreign political reasons I could not be released.

Q I originally intended to read to you from your diary a number of quotations which the Prosecution has submitted, but in consideration of the fact that the Prosecution may do that in the course of the cross examination, I forego that and at the time I have no more questions to the witness.

THE PRESIDENT: Does any other member of the defendants' counsel wish to ask any questions?

Does the Prosecution wish to cross examine?

CROSS EXAMINATION

BY COLONEL SMIRNOV:

Q Defendant, I would like to know what your position is as to your legal situation and the place you occupied in the Fascist State. Please tell me when you were named Governor of Occupied Poland and who you were directly subordinated to.

A The date is the 26th of October 1939. On that day, the directive about the Governor General was issued.

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Q You remember, no doubt, that by the order of Hitler dated the 12th of October 1939 you were directly subordinated to Hitler, weren't you?

A I did not get the first part. What was it, please?

Q Do you remember the order of Hitler concerning your nomination to the post of Governor of Occupied Poland? It was dated the 12th of October 1939.

A That was in no way consequential, because on the 26th of October 1939 the decree came out, and you can find it in the Reichsgesetzblatt. Before that, as Chief of Administration, I was with the military commander. I have explained that already.

Q Yes, but by this order of Hitler you were directly subordinated to him. Do you remember that? Paragraph 3, Article 1.

A What kind of an order is that? I should like to see it. The chiefs of administration of the occupied territories were all immediately under the Fuehrer.

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Yes, I can say for clarification that in Paragraph 3 it says:

"The Governor General is immediately subordinate to me."

But in paragraph 9, it says:

"This decree becomes valid as soon as I have withdrawn the mission of the Commander in Chief of the Armed Forces for the Institution of the Military Administration."

And that happened on the 26th of October.

Q I agree with you fully, and we even have details about that in Book V, which you no doubt know.

A Yes, and there we can find the decree, of course.

Q Well, when this order came into force, whom were you directly subordinated to?

A What shall I read here? There are several marks here.

Q V also states that this order came into force on the 26th of October. Well, when this order came into force, whom were you subordinated to? Was there any other order changing this state of things?

A There is only one basic decree about the Governor General. That is this one.

Q It means that there was no other fundamental order of Hitler?

A Oh yes, there are some, for instance --

Q No, I mean determining the state of administration. Was there any other order?

A May I say that you can find it best on page A-100 in your book, and there you have the decree of the Fuehrer verbatim.

Q Yes, that's right.

A And it says also in paragraph 9; "This decree shall be in effect ...." and so on, and that date was the 26th of October.

Q Yes, that is quite right. That means that on the 26th of October, for occupied Poland you were directly subordinated to Hitler, is that right?

A Yes, yes, indeed.

Q Then please tell me -- maybe you will remember this -- when and by whom were you nominated plenipotentiary for the carrying out of the Four-Year Plan in Occupied Poland?

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A By Goering.

Q That means that you were the plenipotentiary of Goering for the carrying out of this plan, were you not?

A The story of that mission is very briefly told. The activities of several plenipotentiaries of the Four-Year Plan in the Government General were such that I was greatly concerned about it. Therefore, I approached the Reichsmarshal then and asked him to make me plenipotentiary for the Four-Year Plan. That was later.

Q And that is what happened?

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A. That was later.

Q. No, it was in December 1939.

A. December 1939, yes, quite later.

Q. You mean that at the beginning of December 1939 you were his plenipotentiary, were you not?

A. Goering? Well, I was plenipotentiary for the Four Year Plan.

Q. Now, maybe you will recall, defendant, the first order regarding the organization of the Administration in occupied Poland. Do you remember that order?

A. Yes. That is here is it not?

Q. Perhaps you recall paragraph 3 of that order.

A. Yes.

Q. It says that the director of the Administration of Occupied Poland was directly subordinate to you and also the High Commander of the SS and of the Police. Does that not prove that ever since the first days of your Governorship you took over the command of the SS, and that means the responsibility for its actions?

A. No. I definitely answer that question with "no", but I would like to make an explanation.

Q. Witness--

THE PRESIDENT: Let him make his explanation.

Defendant, you may make your explanation.

THE WITNESS: I wanted to make a very short statement. There is an old legal principle which says that nobody can transfer more rights to anybody else than he had himself. What I have stated here was the ideal image which I had before me and how it should have been. Everybody has to admit that it is natural and logical that the police should be subordinate to the administrative person. The Fuehrer, who could decide, did not make that decree. I did not have the power and the force to put this decree, which I put in nice words, into effect.

BY COLONEL SMIRNOV:

Q. If I understand you, then, this paragraph 3 was an ideal which you

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strove to attain but which you did not manage to attain. Is that not so?

A. I beg your pardon, but I could not understand that question. A littl slower please, and may I have the translation into German a little slower?

Q. Should I repeat the question?

THE PRESIDENT: Yes.

BY COLONEL SMIRNOV:

Q. I asked you the following. This statement can be understood in the following way. Paragraph 3 of this order was an ideal which you strove to attain, and which you declared, but which you could not attain. Is that so?

A. Which I could not achieve; and that can be seen by the fact that, of necessity, later, a special State Secretary for Security was attempted as another way out.

Q. And that is what I mean to take up now. Maybe you will recall that in April, 1942, special negotiations took place between you and Himmler. Did these negotiations take place in April of 1942?

A. Yes. Of course, I can not tell you the date offhand, but that was always my intention, I always attempted that.

Q. In order to verify this, I turn to your diary. Perhaps you will recall that as a result of these negotiations an understanding was come to.

A. Yes, an understanding was achieved.

Q. In order to refresh your recollection as to the circumstances, I will give you this volume of your diary so that you may have the text before you.

A. Yes, I am ready.

Q. I would like you to turn to paragraph 2 of this agreement, which says.

THE PRESIDENT: Where can we find this? Is it under the date 14 April 1942?

COLONEL SMIRNOV: Yes; that is quite right.

THE PRESIDENT: I think we have got it.

COLONEL SMIRNOV: It is document USSR-223. It has been translated into English and we will distribute it directly.

THE PRESIDENT:: I think we have it now; we were only trying to find the place.

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COLONEL SMIRNOV: It is at page 18 of the English text.

THE PRESIDENT: Yes. Go on.

BY COLONEL SMIRNOV:

Q. I beg you to recall the contents of this paragraph. It says that the high chief of the SS and the Police, State Secretary for Security Affairs, is subordinated directly to the Governor General, and, if he is absent, then to his deputy. Therefore, Himmler agreed with your ideal in this respect.

A. Certainly; on that day I was satisfied, but a few days later the whole thing was changed. I can only say that these efforts on my part were continued, but unfortunately that was never put into effect and never could be put into effect.

You will find here in paragraph 3, if you care to go on, that the Reichsfuehrer SS, according to the expected decree by the Fuehrer, could give orders to the State Secretary. So, you see, Himmler, here, had reserved the right to give orders to Krueger directly.

Q. That is true. Then, in that case, I ask you to turn to another part of the document.

A. May I say in that connection that that agreement, or that understanding, never was put into effect, as such, but, in the form of a Fuehrer decree, was published in the Reichsgesetzblatt. Unfortunately, I do not know

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the date of that, but you can find the decree about the regulation of security matters in the Government General, and that is the only authoritative statement. Here, als , reference is made to the expected decree by the Fuehrer, and that was just a draft of what was to be expected to come out in the Fuehrer decree.

Q Yes, I was just going to pass on to that. That means that you agree that this decision was merely textually a decree of the Fuehrer?

A That I cannot say offhand. If you will be good enough to give me the words of the Fuehrer decree I will be able to tell you about that.

Q Yes.

COLONEL SMIRNOV: This order is in your document book, Your Honors.

A Now I don't have the document. It seems to me that the most essential parts of that agreement have been taken and put into this decree, with a few changes. However, that book has been taken away from me and I cannot compare it.

Q We will submit the book to you now.

A There were very important changes made, unfortunately.

Q Yes. I would like you to turn to paragraph 3 of Hitler's decree, dated 7 May 1942, which says that the State Secretary for Security is directly subordinated to the Governor General. Does this not confirm the fact that the police of the governorship-general were, nevertheless, directly subordinated to you? That is in paragraph 3 of the decree.

A I want to say that that is not so. The police were not subordinat to me, even by that decree, only the State Secretary for Security. It does not say here that the police are subordinate to the Governor General, only the State Secretary for Security. If you read paragraph 4, then you come to the difficulties. It was not quoted from Hitler's decree, because I would have protested against that. However, it became impractical.

Paragraph 4 says that the Reichsfuehrer SS and Chief of the German Police is subordinate to the State Secretary for Security in the field of security and the strengthening of Germandom. If you compare the original agreement, such as it was, in the diary, you will find that in one of the most important

H0113-0043

fields the Fuehrer had changed his mind, that is, concerning the commissar for the strengthening of Germandom. That is the title for the Jewish question and the question of colonization.

Q I believe, defendant, that you have only taken into consideration one aspect of this question. May I recall to your memory paragraph 4 of this decree, which, in point 2, reads as follows:

"The State Secretary"--and this means Krueger, I suppose--"can receive the consent of the Governor to carry out this policy."

Paragraph 5 says that in case of disagreements between the Governor General and the Chief of Police, a decision must be made through channels of the Reich Ministry and Chief of the Chancellery.

Does this not prove the existence of vast rights, in view of the direction of the police in the governor-generalship and also as to your personal responsibility for the activity?

A The wording of the decree testifies to it, but the actual development was quite to the contrary. I believe that we will come to that in detail. I say, therefore, that any attempt to gain some influence over the police and the SS has always failed.

Q Then whose attempt was this? This was an attempt of Hitler's? He signed this decree, did he not? Does this mean that Krueger was more powerful than Hitler?

A That question is not quite clear to me. You mean that Krueger did anything against the decree of the Fuehrer? Of course he did, but that has nothing to do with power. That was considered a tremendous concession made to me by Himmler.

I want to point to a memorandum of the summer of 1942, I think, shortly after that decree came up, which I had sent to the Fuehrer.

Q We will look into that memorandum later.

THE PRESIDENT: The Tribunal will adjourn now.

(A recess was taken until 1400 hours.)

File

H0113 - 0044

Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 18 April 1946, 1400-1700, Lord Justice Lawrence presiding.

HANS FRANK * -- Resumed.

CROSS EXAMINATION -- Continued.

BY COLONEL SMIRNOV:

Q Tell us, Defendant, who was responsible for Party policy in the Government General?

A I hear nothing at all.

Q I have the following question to put to you: After the 6th of May, 1942 --

A 6th of May?

Q Yes, 6th of May, 1942, after the Nazi organization had been organized in the Government General, who was nominated to be its leader?

A Thus, the leadership of that administration, of the absolute political life and the police, was concentrated in your hands. Therefore, you are responsible for the activity of the police and the political life there.

A If I am to answer that question, then I must protest that you are saying that I had control of the police.

Q I believe that that is the only way one could interpret the Fuehrer's orders and the other documents which I have put to you.

A No doubt, if you disregard the facts and the truth of the life.

Q Well, then, let's pass on to another group of questions. You heard of the existence of Maidanek only in 1944, isn't that so?

A In 1944 the name Maidanek came to my knowledge for the first time. It was especially communicated to me by the chief of press, Maschner.

Q I will now show you a document which was presented by your

H0113-0045

Defense Counsel and which was compiled by you and which is a report addressed to Hitler, dated May 1943. I will read one excerpt, and I wish to remind you that this is dated the 7th of June 1943:

"As a proof of the absence of confidence in regard to the German leadership, I enclose a characteristic excerpt from the report of the chief of the security police and of the SD in the Government General."

A Just a moment. I haven't found the passage here on page 35 of the German text, and it is differently worded.

Q Have you found this place now?

A Yes. But you started with a different sentence. The sentence here starts "A considerable part of the Polish intelligentsia"--

THE PRESIDENT: Which page?

COLONEL SMIRNOV: Page 35 of the German text.

H0113-0046

Q It is certified in the German text, last paragraph.

A It starts in this document of mine with the words "a considerable portion..."

Q All right. Then I will continue. As a proof of the absence of confidence in German leadership I include a report from the Chief of the Security Police and of the SD in the Government General, covering the period from the 31st of May 1943.

A Would you be good enough to show me the passage. I don't think it is here. Whatever you have just quoted is not contained in the document I have got here.

Q No, it is there; it is somewhat a part of the quotation.

A I think it has been omitted from this one.

Q I am starting in that part which you find lower, at the bottom, it is there. "A large part of the Polish intelligentsia would not let itself, however, be influenced by the news from Katyn -- and is opposed to the similar crimes of the Germans in Auschwitz."

I skip a few parts and I continue: "Amongst the working classes in so far as they are not Communistically inclined, even if this information is not denied, it is pointed out that the attitude towards the Poles is in no way better. There are concentration camps at Auschwitz and Maidanek where the mass murders of Poles continuously took place."

How can one consider this part of your report which mentions Auschwitz and Maidanek, where mass murder took place, with your statement that you heard of Maidanek only at the end of 1944. This report is dated June 1943; you mentioned both Maidanek and Katyn.

A With reference to Maidanek, we were talking about the extermination of Jews. The extermination of Jews in Maidanek became known to me during the summer of 1944. Up to now the word "Maidanek" has always been mentioned in connection with the extermination of Jews.

Q Consequently, we can understand you in the following way, that in May 1943, you heard of the mass murder of Poles in Maidanek and in 1944 you heard of the mass shootings and killing of Jews?

A I beg your pardon. Did you say 1944 in connection with the Jewish extermination, because that is when the official documents were handed to me?

H0113-0047

Q And you heard of the mass killings of the Poles and in 1943 —

A It stands in my memorandum and I don't protest. These are the facts as I put them before the Fuehrer.

Q I will ask that the following document be shown to you. Do you know this document, are you acquainted with it?

A It is a decree dated the 2nd of October 1943. I assume that the wording entirely is in the original decree.

Q Yes, in full agreement with the original text and we can even offer you and compare it and your defense will be able to verify it. What do you think of this law signed by you?

A Yes, it is here.

Q You were President of the Reich Academy of Law. From the legal point of view, what do you think of this law signed by you?

THE PRESIDENT: What is the number of it.

COLONEL SMIRNOV: It is USSR Exhibit 335, Mr. President.

THE WITNESS: This is the general wording of an order constituting a court martial. It is stated that the proceedings should be headed by a judge, that a document is to be made out, to be certified, and that the proceedings should be recorded in writing. Apart from that, I had the authority to give pardons so

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that every sentence had to come before me.

Q I would like you to tell us who were members of this court. Could you please pay attention to paragraph 3, point 1 of paragraph 3?

A Yes; the Security Police, yes.

Q You were telling us of your histile attitude to the SD. Why, then, did you give the SD the right to exert oppression against the Polish population?

A Because that was the only way by which I could exert influence on the sentences. If I had not published this decree, then there would have been no control and the police would have acted quite blindly.

Q You spoke of the right of amnesty, which was entrusted to you. I remind you that the verdict of this court was to be put into effect immediately, that the court could not change this verdict if it was to be put into effect immediately, if the condemned person was to be shot immediately, Could you agree with that?

A The sentence nevertheless would have to come before me.

Q Just you, but this sentence had to be carried out immediately.

A That is the general instruction which I had given; that was the same time when I had been given powers to reprieve and that committee which dealt with pardons was continuously sitting. Files were handed in and on the strength of them they acted.

Q Since you have spoken of the right to reprieve, I will put to you another question. Do you remember the AB Action?

A Yes.

Q Do you remember that this action signified the extermination of thousands of Polish intellectuals?

A No.

Q And what did it signify in that case?

A It was done within the framework of the general appeasing action and it was my plan that by means of a properly arranged procedure, willful actions of the police should be excluded; that was all contained in that.

H0113 - 0049

Q I do not understand very well your formula. How did you treat persons who were subjected to AB Action; what happened to them?

A First of all, we are here only concerned with arrests -- I mean during the meeting.

Q But what happened to them later?

A They were arrested.

Q And then?

A And they were put in a place of safeguarding and then they were subjected to the proceedings which were established --at least, that is what I intended.

Q Was this left to the Police Exclusively?

A The Police was leading in this connection, yes.

Q In other words, the police took over the extermination of these people after they had been arrested; is that so?

A Yes.

Q Tell us, please, while they were carrying out this inhuman action, why you rejected your own right of reprieve?

A No, I did make use of it.

Q I will then put before you your statement, dated 30 May 1940. Do you remember this meeting of the police on the 30th of May 1940, when you gave final instructions to the police before carrying out this action ? You state the following: We will directly find the excerpts. You stated that any attempt on the part of the legal institutions to intervene in the operation AB, should be considered treason towards the German interests. Do you remember this statement

A I do not remember it but in any case, you must consider the whole story, a story which went on for several weeks, before you summarize. You must consider the whole statement and not just one fact which you are drawing out. This is a thing which went on for weeks and weeks and months and the forming o this committee of reprieve comes in between, which I had had formed and there is my protest against the willful actions, and then there is the inclusion of a legal system in all these proceedings. All this went on for several weeks and you can't summarize that, in my opinion, in one sentence.

H0113-0050

Q Now defendant, I am speaking of words which in my consideration in the eyes of a jurist cannot be misinterpreted.

"The reprieve committee which is submitted to me is not concerned with these matters. AB operation must be carried out exclusively by SS Chief Krueger and his organization. This is a purely internal repressive operation which goes beyond the limits of a normal procedure."

That is to mean you rejected your right of reprieve.

A At that particular moment but if you follow the further developments during the following weeks then you will see that it never became effective. That was an intention, a bad intention which, thank God, stopped in time. Perhaps my defense counsel will be able to say a few words on the subject later.

Q One single question arises here. Did you reject your right of reprieve while carrying out the separation or not?

A No.

Q Well then, how can you account for your words, this one sentence? "The reprieve committee is not concerned with these matters."?

How should we interpret these words?

A This is not a decree, it is not an edict, it is not the final ruling on the matter. It is a remark which was made after days of negotiations. One must recognize the final picture of a development and not learn the various motives as they came up during the development.

Q Yes, I understand that very well, defendant. But I would like to ask you, to remind you, that this statement was made during a conference with the police, that you instructed the police in that matter.

A Not during that meeting. I assume it came up at some other meeting or occasion. Here we only discussed that one action. After all, I had to talk to Secretary of State Buehler first.

Q Well, all right. While discussing with the police the AB operation you stated that the results of this action would not concern the reprieve committee, is that right?

A That sentence is contained in the diary, yes, but it is not the

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final result but rather at the intermediate stage.

Q Perhaps I can recall to you another sentence in order that you may judge the results of this action. Perhaps you can recall this part which I will put to you. You stated the following:

"We need not shut up these elements in German concentration camps for in that case we would have to carry out unnecessary correspondence with their families. We will liquidate them in the country and we will do it in the simplest form."

What you mean is that this would simply be a question of liquidation, is that not so?

A That is a terrible word. Thank God that did not become a fact in this connection.

Q Yes, but these persons were executed. How do you mean this was not carried out?

Evidently this was carried out for the persons were executed.

A When they were sentenced they were killed, if the right to reprieve was not exercised.

Q And they were condemned without the right of reprieve, that is without the right of applying the right of reprieve?

A I do not believe so.

Q Unhappily, these persons are not here and therefore evidently they were executed, exterminated.

A Which people?

Q Those who were arrested because of the AB operation. I will remind you of another excerpt connected with this AB operation. If you did not agree with the police in regard to their police actions it would be difficult to explain the celebrations in connection with the departure of Brigadefuehrer Streckenbach when he left for Berlin. Does this not mean that you were at least on friendly relations with him?

A I do not think that this is in any way in keeping with the truth and I think you know that as well as the others.

Q I will remind you of one part of your speech in regard to the

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Brigadefuehrer Streckenbach, one sentence only. You said:

"What you, the Fuehrer, and your people have done in the Governor Generalship must not be forgotten and you need not be ashamed of all of it."

Does that not mean, does it not testify to quite a different attitude toward Streckenbach and his people?

A And it was not forgotten either.

COLONEL SMIRNOV: I have no further questions to put to the defendant.

THE PRESIDENT: Does that conclude the cross-examination?

MR. DODD: I have only one or two questions, if your Honor pleases.

BY MR. DODD:

Q In the course of your examination I understood you to say that you had never gathered to yourself any of the art treasures of the Government General. By that I do not suppose you to mean that you did not have them collected and registered for you did them collected and registered, is not that so?

A Art treasures in the Government General were authoritatively collected and registered officially and the book has been submitted here in Court.

Q Yes. And before you got there you told the Tribunal that one Duerer collection had already been seized, before you took over your duties.

A May I ask you to understand it as follows:

These were leaves of pictures made by Duerer which had been collected from the counties, the various districts before the civilian administration started to work. Muehlmann went to Lemberg and collected them from the library whereas

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I had not been to Lemberg at all before that time. These leaves, these sheets were then taken directly to the Fuehrer HQ or the Reichsmarshal Goering, I am not sure.

Q They were collected for Goering, that is what I am driving at. Is that not a fact?

A Secretary of State Muehlmann, when I asked him, told me was coming by order of the Reichsmarshal and that they were collected by order of the Reichsmarshal.

Q And were there not some other art objects that were collected by the Reichsmarshal and also by the defendant Rosenberg at the time you told the Tribunal you were too busy with war tasks to get involved in that sort of thing?

A There is nothing like that known to me with reference to the Government General. Rosenberg's Action Staff had no jurisdiction in the General Government and apart from the collection of the composer Elsner and a Jewish library from Lublin I had no official duties to demand the return of any art treasures from Rosenberg.

Q But there were some art treasures in your possession when you were captured by the American forces.

A Yes. They were not in my possession. I was safeguarding them but not for myself. They were not under my immediate control, they had been taken away by me at once when the towns were inflamed. They could not be safeguarded or secured any other way. Aside from that these art treasures are so widely known that they are numbers one to ten on this list so that even if you wanted to you could not appropriate them. You cannot steal a Mona Lisa.

Q Well, I merely wanted to clear that up.

I knew you had said on interrogation there were some in your possession. I am not trying to imply you were holding them for yourself if you were not. However, I think you have made that clear.

A Perhaps, if I may, I would like to remark in this connection since I am particularly keen on clarifying these points, that these art treasures with which we are concerned, could only be made safe in that particular way. Otherwise they would have gotten lost.

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Q Very well. I have one other matter I would like to clear up and I will not be long.

Q I understood you also to say this morning that you had struggled for sometime to effect the release of the Cracow professors who were seized and sent to Oranienburg soon after the occupation of Poland. Now, of course, you are probably familiar with what you said about it yourself in your diary, are you?

A Yes, I know that and I said so this morning, that quite apart from what is said in the diary what I said this morning is the truth and you must never forget that I had to speak amongst a circle of deadly enemies, people who reported every word I said either to the Fuehrer or Himmler.

Q Well, of course, you recall that you suggested that they should have been retained in Poland and liquidated or imprisoned there.

A Never, not even if you put the statement to me, I will tell you that I never did that. On the contrary, I received the professors from Cracow and talked to them quietly and at length. Regarding everything and all the matters that have happened that is the one I regret the most.

Q Perhaps you do not understand me. I am talking about what you wrote in your own diary about these professors and I shall be glad to read it to you and make it available to you if you care to contest it. You are not denying that you said they should either be returned for liquidation in Poland and imprisoned in Poland, are you? You do not deny that?

A I have just told you that I did say all that so that I could exist in front of my enemies but the truth is I have liberated the professors and nothing after all had happened to them after that.

Q All right.

Were you also talking for special purposes when you gave General Krueger that fond farewell, the SS and higher police authority?

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A That was definitely the same thing. Perhaps I may say, Mr. Prosecutor, that I admit altogether without restriction what can be admitted but I have also sworn to add nothing and no one can admit any more than I have done by handing over these diaries. What I am asking is that you do not ask me to add anything to that.

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Q. No, I'm not asking you to add anything to it; rather, I was trying to clear up because you've made a rather difficult situation, perhaps, for yourself and for others. You see, if we can' believe what you wrote in your diary, I don't know how you can ask us to believe what you say here. You were writing those things yourself and at the time you wrote them, I assume you didn't expect that you'd be confronted with them.

THE PRESIDENT: Does he not mean that this was a record of a speech that he has made?

MR. DODD: In his diary, yes. It is recorded in his diary.

THE PRESIDENT: When he said, "I did it so I could exist"?

MR. DODD: Yes.

THE PRESIDENT: I presume that that particular record is a record of some speech that he made.

MR. DODD: It is. It is entered in the diary.

A. (Continuing) May I be allowed to say something more to that. I didn't put myself in a difficult position. The developments of the war meant a dreadful situation for every administrative official.

Q. Finally, do you recall an entry in your diary, in which you stated that you had a long hour and a half with the Fuehrer and that you had--

A. Please, when was the last conference?

Q. Well, this entry is on Monday, the 17th of March, 1941 -- March 17, 1941. It's in your diary.

A. That will probably be one of those few conferences; whether I was alone with him, I don't know.

Q. In which you said you and the Fuehrer had come to a complete agreement and that he approved all the measures, including all the decrees, especially also the entire organization of the country. Would you stand by that today?

A. No.

Q. You say that wasn't a speech.

A. But perhaps I may say the following: The Fuehrer's agreements always happened very spontaneously, but the carrying out always dragged out; it kept one waiting.

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Q. Was that one of the times you complained to him that you told us about this morning?

A. I have complained continuously. As you know, I have offered to resign on fourteen occasions.

Q. Yes, I know; but on this occasion did you make many complaints and did you have the approval of the Fuehrer or did he turn down your complaints, on this occasion of the 17th of March, 1941?

A. The Fuehrer had the very simple way out by saying, "You'll have to talk to Himmler about that."

Q. Well, that isn't really an answer. You've entered in your diary that you talked it out with him and that he approved everything, and you make no mention in your diary of any disappointment over the filing of a complaint. Surely, this wasn't a speech that you were recording in your diary; it seems to be a factual entry on your conversations with the Fuehrer. And my question is simply, do you now admit that that was the situation or are you saying that it was a false entry?

A. Please, I didn't say that I was making false entries. I've never said that, and I'm not going to argue about words. I am merely saying that you must judge the words according to the entire context. If I am emphasizing before the officials that the Fuehrer has received me and has agreed to my measures, then I am saying that to back up my own authority and maintain it, which would be impossible without the Fuehrer's agreement. What my thoughts were, that doesn't become clear from it. What I want to emphasize, Mr. Prosecutor, is that I'm not going to argue about words or am I asking to.

Q. Very well, I don't care to press it any further.

THE PRESIDENT: Dr. Seidl, do you wish to reexamine?

REDIRECT EXAMINATION

BY DR. SEIDL:

Q. Witness, the first question put to you by the Soviet Prosecutor was whether the chief of the NSDAP was in the General Government, and you answered "yes". Did the Party have any decisive influence in the Government General on

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the political and administrative life?

A. No. The Party as an organization in that theatre was under my command, yes; but, of course, only nominally. All the Party officials were appointed by Bormann; about that I was never asked. There is a special Fuehrer decree for the

H0113 - 0059

districts of the NSDAP in the occupied territories, and it says in that that they are immediately under Bormann's jurisdiction.

Q Did your activity in that theatre of the NSDAP, that is, the Government General, have anything at all to do with any security police affairs?

A The Party was much too small and couldn't play any important parts; it had no state functions.

Q The next question: The Soviet Prosecution have showed you USSR 335, in paragraph 6 it states--this is the decree on court martials. It states in paragraph 6: "Sentences of the court martial must be carried out at once." Is it true if I say that there was no formal legal means against these sentences, but that a reprieve was perfectly feasible and possible?

A Certainly, but, nevertheless, I must say that this decree is an impossibility.

Q Which conditions in the Government General were the cause of the decree, this decree on October the 2nd, 1943, and I'm thinking in particular of the security situation?

A If I look back on that, then I can't think of any cause which would make such a demand possible; but, if you put yourself back into the war and the flames in all the places, then this was an explosive measure, a desperate measure, rather I wanted to say.

Q I now come back to the "A.B." Action. Is it true that as early as 1939, there was a decree on a court martial which had considerably larger legal guarantees than that of '43?

A Yes.

Q And is it also correct that those arrested in the "A.B." Action, and of the strength of this decree and during those proceedings, were sentenced or acquitted?

A Yes.

Q And is it also true that all sentences from those courts martials, at least in accordance with your will, were handed to the reprieve commission under Secretary of State Buehler?

A Yes.

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Q The Prosecutor of the United States has accused you that in Neuhaus, where you were arrested after the collapse of the German armed forces, there had been found a large number of art treasures, not in your house, but perhaps in the official building of the Governor General. Is it true that State Secretary Dr. Buehler, together with a letter to Dr. Lammers, was sent off by you, which letter contained a list of these art treasures?

A Yes; not only that, but the Chief of the "Pinakothek" in Munich was told by me that these articles were there; that they should be made secure from bombs. He has looked at the pictures and they were put in a cellar which was bombproof. I'm glad I did so; otherwise, these valuable articles would have been destroyed.

Q And now one last matter. The Prosecution have submitted document 661-PS. This document has a USSR exhibit number, which, unfortunately, I don't know at the moment. This is a document which has been connected with the activities of the academy for German law, of which, of course, you were president. The document has the heading "The Legal Forming of German-Polish policies from the Point of View of Nationalism in the Legal Part for the Committee on Nationals in the Academy for German Law", and I'm having it submitted to you. Please, will you tell me whether you've ever had this document in your hands before?

A From whom does it originate?

Q This is USA Exhibit No. 300.

A Does it state anywhere who worked on it?

Q The document has no author; it's not stated on it; nor does it show by whose order it was compiled.

A In that case, all I can say is that I've never seen the document; that I have never given an order of this kind, and that, in fact, I can't say anything other than in practice.

Q It states here that it originates of the Ministry of Justice. Was there such a ministry in Kassel at that time?

A A ministry in Kassel, did you say? That doesn't exist since 1866.

DR. SEIDL: I have no further questions.

THE PRESIDENT: Then the defendant can return to his seat.

H0113-0061

DR. SEIDL: In that case, with the permission of the Tribunal, I shall call witness Dr. Bilfinger.

THE PRESIDENT: Colonel Smirnov.

COLONEL SMIRNOV: Yes.

THE PRESIDENT: This document which is USSR 223, which are extracts from defendant Frank's diary, are you offering that in evidence? Apparently, some entries out of Frank's diary have already been offered in evidence; others have not. Are you wishing to offer this in evidence?

COLONEL SMIRNOV: This document is already submitted in evidence under two numbers; the first number is 223-PS, which was submitted by the American Prosecution, and the second is 223, USSR exhibit, and was already submitted by us on the 15th of February, 1946.

THE PRESIDENT: I see. Have these entries which you have in this document been submitted under 223 USSR? You see, the PS number does not necessarily mean that the documents have been offered in evidence. The PS numbers were applied to documents before they were offered in evidence; but the USSR 223 does imply that it has been offered in evidence.

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COL. SMIRNOV: This document has already been presented in evidence.

THE PRESIDENT: Colonel Smirnov, what the Tribunal wants to know is whether you wish to offer this USSR 223 in evidence, because unless it was read before it hasn't been offered in evidence or it hasn't gone into the record.

COL. SMIRNOV: We already read excerpt on the 15th of February, and it is therefore, already read into the record.

THE PRESIDENT: Very well.

COL. SMIRNOV: May I retire, Mr. President?

THE PRESIDENT: Yes.

RUDOLF BILFINGER, A witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you stand up, please, and will you tell us your full name?

A Rudolf Bilfinger.

Q Will you repeat this oath after me?

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. SEIDL:

Q Witness, since when were you active in the RSHA, and what was your position?

A From the end of 1937 until the beginning of 1943 I worked in the RS RSHA where I was a Government councillor and Oberregierungsrat, and I was working on security questions and police questions.

Q Is it correct that on two occasions at different times you were head of the sector of legal administration attached to the commander of Security Police and SD in Cracow?

A Yes. In the autumn of 1940 I was the head of the administrative legal department attached to the commander of Security Police in Cracow.

Q What were your tasks? Please refer to the various periods and tell us what tasks you had to fulfill, very briefly.

H0113 - 0063

A In 1940 I had the order to deal with a number of subjects in connection with the police administration in the Government General and work on them under the Higher SS and Police leader.

Q What was the legal position of the Highest SS and Police leader, and what was his relationship to the Governor General? Did the Highest SS and Police Leader receive his instructions regarding the Security Police and the SD from the Governor General? Or did he receive them directly from the Reichsfuehrer SS and Chief of the German Police, Heinrich Himmler.

Q Is it, furthermore, true that the commander of the Security Police in the Government General, and of course of the SD, also received direct orders and instructions from Department IV, the Gestapo, and Department V, the Criminal Police Department, in the RSHA?

A Yes. The commander of the Security Police received many orders directly from the various departments of the RSHA, particularly IV and V.

Q Did the institution of the State Secretariat of the Security Service which was created in 1942, bring about a change in the legal position of the Governor General with reference to measures in connection with the Security Police and the SD?

A The employment of the Secretary of State as such did not alter the legal position of the Governor General. There were merely new spheres of jurisdiction which were added to the tasks of the Secretary of State for the Security Service.

Q Do you know of a decree from the Reichsfuehrer of the SS and Chief of the German Police Himmler in the year 1939, and what was its content?

A I know a decree probably dated 1939, dealing with the employment of the Higher SS and Police Leader.

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In that decree it was ruled that the Higher SS and Police Leader would receive his instructions directly from Himmler.

Q The institution of the Secretariat of State dates from the 7th of May 1942 and is based on a Fuehrer decree. In the employment of this decree another decree was issued which deals with the transfer of the business to the Secretary of State for the Security Service, dated June 3, 1942. Do you know the contents of that decree?

A The principal contents of the decrees are known to me.

Q Is it correct that on the basis of this decree, and as far as the Security Police were concerned, the entire political and criminal police, as it had been the case before, were in turn subordinated to the Secretary of State for the Security Service directly?

A How these two matters stood from the beginning was that they were under the Higher SS and Police Leader and later on the Secretary of State for the Security Service. So these decrees did not introduce innovations. It was merely a confirmation.

Q Is it known to you in Appendix B to that decree that there are 26 points which deal with all the sectors dealt with by the Security Police, and their transfer to the Higher SS and the Secretary of State for Security Service?

A Yes.

Q Do you know that in this decree in Appendix B Jewish matters are mentioned specifically?

A Yes.

Q Do you know that in Figure 21 of Appendix B it is ruled that matters of the Security Police representation in the Government General during conferences and meetings, particularly in the central department in the Reich, will include the following spheres and sectors?

A I know that such a statement was contained therein. Whether it was Figure 21 or whether this is the exact wording, that I can no longer recollect.

Q Is it also true that on the basis of this decree the last remains of the Administrative Police were removed from the administration of the

H0113-0065

Governor General and handed over to the Secretary of State for the security system, who was, after all, directly under Himmler?

A That was the intention and the purpose of that decree, but, contrary to the wording of that decree, certain few sectors were not taken away from the administration, about which the fight continued later on. Apart from that, all sectors of the police administration were taken away.

Q Witness, did the administration of the Government General have anything to do with the direction and administration of concentration camps?

A To the best of my knowledge, no.

Q You worked with the Chief of the Security Police and SD in Cracow. When did you yourself hear of concentration camps at Maidanek, Treblinka and Lublin for the first time?

Q May I, first of all, correct you. I was attached to the Chief of the Security Police, commander of the Security Police. I heard of Maidanek for the first time when Lublin and Maidanek were occupied by the Russians; and I heard it through propaganda for the first time what the name Maidanek meant when at that time the former Governor General Frank ordered an investigation regarding the events and the responsibility in connection with Maidanek.

Q According to your own observation, what was the principal relationship between the Governor General and the SS Obergruppenfuehrer Krueger, and what were the reasons for that?

A Their relations were bad from the beginning. The reasons were partly a question of the organization and the use of the police, and partly obvious differences of opinion.

Q What do you consider those differences of opinion? Do you mean different opinions regarding the treatment of the Polish population?

A I can still recollect one example where the confirmation of Police court martials sentences by Governor General Frank were concerned. Contrary to Krueger's opinion, he either failed to confirm a number of sentences or he ordered much milder ones. It was in.

H0113-0066

such connection that I heard of these differences and remember them.

Q Were these sentences which were issued in connection with the so-called A.B. action?

A I know nothing of an A.B. action.

Q Oh, you came to the Government General later, did you?

A I arrived approximately August 1940.

DR. SEIDL: I have no further questions to this witness.

THE PRESIDENT: Do any of the defendants' counsel want to ask questions?

DR. MERKEL: Dr. Merkel for the State Police. May I be permitted to put a few questions to the witness.

BY DR. MERKEL:

Q Witness, the Prosecution have stated that the State Police had been a circle of persons in accordance with a mutual intention, and that its membership had been voluntary. Since you had a leading position in the RSHA, may I ask you to tell me briefly what you know on these questions?

A The members of the Secret State Police were only to a very small extent volunteers. The nucleus of the members were those former officials of the old political departments of the police presidents offices. These former political departments under the police president originated the Secret State Police Department, and most of the officials of the former political departments were taken over. So in Berlin, for instance, there was Department I-A of the Police president's department.

Apart from that, administrative officials were transferred from other administrations to the Secret State Police, or were detailed to go there . . . In the course of the years officials from other service departments and administrations were forced to transfer to the Secret State Police. So, for instance, the entire customs officials were in 1944, by order of the Fuehrer, transferred to the Secret State Police at about the same time all counter-intelligence personnel were transferred.

H0113-0067

In the war years numerous members of the Waffen SS who were not able to do service at the front were detached and attached to the Secret State Police. Apart from that and to a considerable degree, people who had originally had nothing to do with police work were appointed to serve with the Secret State Police in the emergency

Q So that if I summarize by saying that the State Police was a Reich authority and that the German civil servants legislation would be applicable, would that be correct?

A Yes.

Q Was it possible for the officials to resign easily?

A A resignation from the Secret State Police was extraordinarily difficult, and, in fact, really impossible. A man could only leave under certain special circumstances.

Q It has been stated here with reference to the composition of the officials of the Secret State Police the following ratio was applicable: Executives, about 20 percent; administrative officials, also 20 percent; and technical personnel, approximately 60 percent. Are these figures about right?

A I have no detailed information about the composition, but certain service departments which I know intimately, in their case these figures would apply, yes.

Q Under whose jurisdiction were concentration camps in Germany and in the occupied countries?

A Concentration camps were under the jurisdiction of the economic and administrative central department, that is, SS Obergruppenfuehrer Pohl.

H0113-0068

Q And did the State Police have anything to do with the administration of the concentration camps?

A No. It may be that at the beginning concentration camps here and there wer administered by the Secret State Police directly for a short period, but that was probably only the case in individual instances. But it was the principle even at that time, and later on, generally, that concentration camps were administered by the economic and administrative central department.

Q Do you know anything about who gave orders for the total liquidation of concentration camps?

A No, I know nothing about that.

Q Can you say anything about the basis of protective custody, on the strenth of which protective custody could be decreed after 1933?

A Protective custody was based on the decree from the Reich President for the protection of the nation, and the state, dated February 1933, in which a number of basic rights of the Weimar Constitution were rescinded.

Q Was there a decree from the Ministry of the Interior later on which dealt with protective custody, I mean at the end of '36 or the beginning of '37?

A Yes. At that time protective custody procedure was ruled on by this decree from the Ministry of the Interior, but the legal basis as such remained in force. At that time, protective custody was confined to the Secret State Police. Before that, a number of other service departments, whether rightly or wrongly, had the right to decree protective custody. To prevent this, protective custody matters were transferred to the Secret State Police at that time.

Q Is it correct that for some time you were working in France, and in what capacity were you there?

A It was late in the summer of 1943 that I was in France as the commander of the Security Police in France, or from individual commanders, stating that in the case of interrogation of prisoners of war, ill treatment and cruelties which actually did occur during interrogations?

H0113 - 0069

A It is possible that a number of such cases of ill treatment did occur which either did take place although they were forbidden, or which were carried out by members of other service authorities in France who did not belong to the Security Police.

Q Did you, when you were acting in France, hear of any such ill-treatment either officially or by hearsay?

A As far as members of the German police or armed forces are concerned, I have never heard of such ill treatment, but I heard of ill treatment carried out by groups consisting of Frenchmen who were acting by order of some German authority

Q Were there so-called Gestapo prisons in France?

H0113-0070

A. No. The Security Police in France did not have prisons of their own. Their prisoners were transferred to the detention camps of the German armed forces or detention institutions of the German armed forces.

Q. One last question: The Prosecution has listed a large number of crimes against humanity and the law of warfare which have been committed with participation on the part of the Security Police. Can one say that these crimes were perfectly obvious and must have been known to all members of the State Police, or was it the case that these crimes were only known to a small circle of persons who had the task of carrying out the measures concerned? What was the situation in that connection?

A. I didn't quite understand the question from the beginning. Were you referring to France or to the Security Police generally in the Reich?

Q. I was referring to the Security Police generally.

A. Any ill treatment or torturing was not permitted, and according to my knowled e, it was even less known generally or to a larger circle of persons I, for instance, knew nothing of it.

DR. MERKEL: I have no further questions.

THE PRESIDENT: We will adjourn now for ten minutes.

(A recess was taken)

THE PRESIDENT: Does the Prosecution wish to cross examine? Is there nothing you wish to ask arising out of Dr. Merkel's cross examination, Dr. Deidl?

DR. SEIDL: I have only one more question to the witness.

BY DR. SEIDL:

Q. Witness, in paragraph 4 of the decree of 3 June 1942, the following is ordered, and I quote literally.

"The SS and police leaders in the districts, in the same way as the State Secretary for Security, are subordinate immediately to the governors of the district."

It does not say that the entire police organization is subordinate, only the police leaders.

H0113-0071

Now, I ask you whether orders which had been issued by the commanders of the Security Police and the SD were forwarded to the governors or immediately to the officers of the Security Police in the district?

A. These orders were always sent immediately to the commanding officers of the SD and Security Police. They could not be given any directives.

Q. If I understand you correctly, you intend to say that the channel within the Security Police and the SD had absolutely nothing to do with the administrative organization of the Government General.

A. Yes.

DR. SEIDL: I have no more questions to the witness.

THE PRESIDENT: The witness can retire.

H0113-0072

DR. SEIDL: With the permission of the Tribunal I call as the next witness the former Governor of Cracow, Dr. Kurt von Burgsdorf.

DR. KURT VON BURGSDORF, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q. Will you state your full name?

A. Kurt von Burgsdorf.

Q. Will you repeat this oath after me:

"I swear by God, the Almight and Omniscient, that I will speak the pure truth and will withhold and add nothing."

(The witness repeated the oath.)

DIRECT EXAMINATION

BY DR. SEIDL:

Q. Witness, the government general was divided into five districts, of which you were in charge of one; is that correct?

A. Yes.

Q. On the 1st of December 1943 until the occupation of your district by Soviet troops you were governor of the district Cracow?

A. Yes. If I may express myself correctly, I was only concerned --

GENERAL RUDENKO: Mr. President, the defense counsel has put the question of the occupation of this region by Soviet troops. I energetically protest against such terminology and consider it as a hostile move.

DR. SEIDL: Mr. President, I have just been told that maybe there was a mistake in the translation. I did not intend to say any more than that in the course of the year 1944 the area in which this witness was governor was occupied by the Soveit troops in the course of military action. I don't know what the Sovietn prosecutor is protesting to; it is far from me to make any hostile statements.

THE PRESIDENT: I think the point was it wasn't an occupation; it was a liberation by the Russian Army.

DR. SEIDL: Of course; I did not want to say any more than that the German troops were chased out of that area by the Soviet troops.

H0113-0073

Will you please continue with your answer?

THE WITNESS: I was in charge of the activities of the governor -- that is the correct expression. Until a few months ago I was still an officer of the armed forces; and during my entire activity in Cracow I remained an officer in the armed forces.

BY DR. SEIDL:

Q. Witness, according to your observation what was the attitude, the principle attitude, of the governor general toward the Polish and Ukrainian people?

A. I want to exphasize that I can answer for the year 1944. At that time the attitude of the governor general was such that he intended to see through a peaceful life.

Q. Is it correct that already in 1942 the governor general had given the opportunity to the governors to form administrative committees consisting of Poles and Ukrainians?

A. There was a governmental decree to that extent. Whether that was from 1942 or not I do not know.

Q. Did you make use of the possibility of establishing committees in the district?

A. In the district of Cracow I established immediately committees of that kind in every county.

Q. Witness, according to your observation what was the food situation in the general government and particularly in your district?

A. It was not unsatisfactory, but I have to say that the reason for that was that besides the Russians, for the Polish population there was an extensive black market.

Q. According to your observation what was the attitude of the governor general concerning the question of the recruiting of labor?

A. He did not intend to send any workers outside of the government general because he was interested in retaining the necessary manpower within the country.

Q. The church in the government general -- was it persecuted by the

H0113-0074

governor general, and what was, according to your observation, the attitude of the governor general?

A. Again I can only answer for my district and for the year 1944. There was no persecution of churches at that time; on the contrary, the relations with the churches of all kinds were good in my district, and I have always received the clergymen on my travels and I have never heard any complaint.

Q. Did you have any personal experience with the governor general with regard to these questions?

A. Yes. In the middle of January 1944 I was received by the governor general, who at the same time was the Party leader in the government general, and I received a Party office for the district of Cracow. And in the same manner, as I told the Minister of the Interior, Himmler before, I pointed out to him that I was a convinced Christian. The governor general said that this was in no way disturbing to him, and he knew of no point in the Party program which would exclude that.

Q. What, according to your observation, was the relation between the governor general and the administration of the government general on one side to the Security Police and the SD on the other side?

A. Doubtlessly a bad one internally, and that for the reason that the police always did what they wanted and were not concerned with the administration, the desires of the administration. Therefore all over the country there was friction between the officers of the administration and the police.

Q. Is it correct that when you took officer- rather a short time later- the governor general issued directives referring to the police? I quote from the diary of the defendant Dr. Frank, the note of the 4th of January 1944. "The governor general issued directives to Dr. von Burgsdorf about his activity. It would be his mission to inform himself as a matter of principle about all conditions in the district. First of all, it should be his job to counteract any perpetrations by the police."

A. That conversation of the 4th of January 1944 I can not remember today, but is may have occurred. However, I remember that after I was put in office

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November 1943 I had gone to see the governor general once more and told him that I had heard that the relations with the police were quite unfavorable and causing great difficulty for the administration. He said that he did what he could in order to bring reason into these relations. On the basis of this statement by the governor general I finally decided to remain in the government general, and as it is well known I had refused the Minister of the Interior of the Reich to go there initially.

Q. In your position as governor did you have any authority over the Security Police and the SD?

A. In no way whatsoever.

Q. Did you yourself ever see a directive of the police?

A. No, never; police channels go definitely directly from the highest to the next lower and then to the lowest.

H0113-0076

officials; from the supreme commander of the Security Police to the commanders.

Q In your activity as governor did you have anything to do with the administration of concentration camps?

A Never.

Q Do you know who administered the concentration camps?

A No, not from my own knowledge, but I have heard th t there was some central office in Berlin with the Reich Fuehrer SS Himmler.

Q When did you hear for the first time of the concentration camp Majdanek?

A About two weeks ago; a fortnight ago.

Q You want to tell the Tribunal under oath --

A Yes.

Q --that you, although you were governor of Cracow in the occupied Polish territory, that not before your captivity did you find out about it?

A Yes, I am convinced; I am absolutely sure that I only heard about it from you.

Q When did you for the first time hear of the concentration camp Treblinka?

A From you also on the same occasion.

Q Witness, the governor general is accused by the prosecution of having decreed a law for courts martials in the year 1943. What at that time was the situation concerning security in the government general?

A Again I can only judge that for the year 1944. As German troops came back from the East, had to retire from the East, it became worse and worse, so that in my district in an increasing measure a regular administration could no more be carried out.

Q According to your observation, what was the development of economy in the agricultural sector and the sector of trade, and can one say that in considerable of war-time conditions the governor general had done everything to improve conditions?

A Economy in my district was doing very well in 1944 both in the trades and in agriculture. There were industries which had been transferred from the Reich to the government general, and as far as

H0113-0077

agriculture is concerned the administration brought in seed and livestock; also horses were raised in my district to a large extent.

Q The defendant Dr. Frank has been accused with regard to public health and hygienic conditions, -- not to have done everything that was necessary. What can you say about that point?

A I can say that in my district--1944 again--hospitals were improved and some new ones installed. But especially in the field of fighting epidemics a great deal had been done. Typhus, dysentery, and typhoid were greatly reduced by vaccination.

Q The defendant Dr. Frank was also accused of neglecting education. Do you know anything about that, about conditions in the government general?

A When I came into the government general there were no higher schools left. Thereupon and on the basis of other experiences I suggested immediately to reinstate higher Polish schools. I contacted the president of the then department Hauptabteilung who told me these plans existed already with the government, and in everyone of my monthly reports I pointed the necessity of re-establishing these schools, and because of that during a very short period a lot of specialists, technicians, and doctors attended.

Q Now, one last question. There was a so-called work district of the NSDAP in the government general, and yuu were the leader of that district for Cracow. What was the relation between the governor general and the leader of the Party Chancellery Bormann?

A I believe that I can say without exaggeration that it was a miserable one. As a district leader that office was connected with that of the government. I witnessed the last great struggle of the governor general against Bormann. The governor general--and with full right from his point of view--considered it necessary to keep the Party office separated from the administrative office. He was afraid that otherwise there would be too much interference not only by the police but also by the Party, and that he wanted to prevent. Bormann on the other hand, also in the government general, wanted to re-establish the predominance of the Party over the state, and that caused the most serious conflict.

DR. SEIDL: I have no further questions.

H0113-0078

THE PRESIDENT: Do any of the other defense counsel wish to ask any other questions?

DR. LUEDINGHAUSEN: Dr. Luedinghausen, counsel for von Neurath,

BY DR. LUEDINGHAUSEN:

Q Witness, you were once Undersecretary in the Government of the Protectorate of Bohemia and Moravia? When was that?

A From the end of March 1939 until the middle of March 1942.

Q And to whom were you immediately subordinate, to State Secretary Frank or to the Reich Protectorate.

A State Secretary Frank.

Q From where do you have your knowledge about the activity of von Neurath as Reich Protector?

A From speeches and personal conversations.

Q What kind of work did you have to do as Undersecretary?

A I was in charge of the administration proper.

Q Was the Police and SS subordinate to you?

A No.

Q To whom were they subordinate?

A To State Secretary Frank.

Q What was the position of State Secretary Frank to von Neurath? What was the position of State Secretary Frank in relation to von Neurath?

A YOu mean officially?

Q Officially, yes, of course.

A Von Neurath tried at first to get along with Frank but the stronger Frank's position became, the more impossible it became for von Neurath. State Secretary Frank, and later Minister Frank, was backed up by the entire power of SS and the Police and he also had the backing of Hitler.

Q From whom did Frank get his orders?

A According to my knowledge, from Himmler; however, I witnessed once or twice that he was called directly by Hitler about his directives.

Q And that happened by sidetracking von Neurath?

A I could not say that but I assume.

Q Was it possible for Frank that he independently, within his sphere, could act without having the approval of von Neurath?

H0113-0079

A Whether he could, whether he could I could not decide but at any rate he did so.

Q Were von Neurath and Frank of the same opinion concerning the policy toward the Czech people; were von Neuratch and Frank of one opinion concerning the policy toward the Czech people?

A No. Von Neurath could not do anything, being confronted with the power of Himmler and Hitler.

Q What was the policy of von Neurath himself?

A I have just in the beginning - just in the beginning I spoke very much about these things with von Neurath. He hoped and believed, on the basis of the decree of the 15th of March, to achieve a reasonable and peaceful cooperation between Germans and Czechs in the Protectorate.

Q But due to the increasing power of Frank, that failed, didn't it?

A Yes.

Q Do you remember that in the middle of November 1939, serious disturbances broke out among the students in Prague?

A Yes.

Q Do you also remember that on the day after these incidents, von Neurath and Frank flew to Berlin?

A Yes.

Q Do you remember that Frank alone returned from Berlin on the same day?

A That Frank returned on the same day, I believe I can remember but I do not remember whether he came alone.

Q So you wouldn't know if von Neurath returned with him?

A No.

Q Do you know anything else concerning the incidents connected with the student disturbances and what the consequences were?

A The consequences, as much as I remember, several students were executed and the schools were closed.

Q Do you know whether that was on the order of Hitler?

A Yes.

Q Do you know anything about the attitude of von Neurath toward the Catholic and Protestant church?

A His attitude was always perfect and there was no difficulties with

H0113-0080

the churches as long as I was there.

Q Do you happen to know that von Neurath was in special contact with the Arch-Bishop of Prague until the latter's death?

A No, I don't know anything about that.

Q Do you have any knowledge whether, during the term of office of von Neurath, with his approval or upon his orders, art treasures of any kind, pictures, monuments, sculptures, libraries, or such, from State or private property, had been confiscated and had been brought out of the country?

A Upon his orders, such things certainly have never happened. Whether he approved at any specific time, I do not know but I do not believe so. I remember one incident in the Maltese (?) Palace, where some Reichoffice — and I don't remember today which it was — removed art. Here, von Neurath immediately did everything in order to repair the damage.

Q Do you know that the customs union whichhad been ordered between the Protectorate and Germany, was not carried out for a long time, upon orders of von Neurath?

A Yes. I know about that definitely; however, I have to add that also State Secretary Frank at that time was against that customs union, because just as von Neurath, he believed that the economy of the Protectorate would experience difficulties and damage from the stronger economy of Germany.

Q While von Neurath was Reich Protector, were there any forcible deportation of workers?

A I am convinced that did not happen. Workers were recruited but in a definitely regular manner. That happened already while I was still in the Protectorate.

Q And do you know anything as to whether von Neurath made provisions for travel to be dependent upon his official approval in or out of the Protectorate?

A Whether or not von Neurath did it, I do not know. At any rate, it was necessary to get approval.

THE PRESIDENT: Try to keep it a bit slower and try to go a little bit slower. This light is continually coming on.

H0113-0081

Q. Do you know anything about the closing of middle schools?

A Yes.

Q What do you remember about them?

A I remember that the closing of middle schools was a consequence, a necessary consequence, of the closing of colleges. There had been too many little schools in the Protectorate. Not all of them were closed. Specialist schools, trade schools, were approved and probably also re-established.

Q Do you know anything about the attitude of von Neurath toward the intended Germanization of Czechoslovakia, intended by Himmler?

A Yes, I know about the memorandum which von Neurath sent to Hitler about that whole affair, and that memorandum was intended to counteract those plans by Himmler of a forced Germanization. Von Neurath was of the opinion, as he told me frequently, that such tendencies and intentions of Germanization were not desirable in the interest of the Protectorate.

DR. VON LUEDINGHAUSEN: I have no more questions.

THE PRESIDENT: Does the Prosecution wish to cross-examine?

CROSS-EXAMINATION

BY MR. DODD:

Q Tell us, please, when you first joined the National Socialist Party?

A The 1st of May 1933.

Q And did you achieve office in any of its affiliated organizations?

A I am an SA Grupenfuehrer, as an honorary degree.

Q Any other honors?

A Then for a few years, such as I had done it in the democratic time, I was charged with legal affairs of the Gau Saxonia.

Q Weren't you also an Oberbannfuehrer in the H. J.,the Hitler Jugund?

A Yes, I became Oberbannfuehrer in the presence of the then Jugand Fuehrer Baldur von Schirach. But that was purely a matter of politeness which had no consequences.

H0113-0082

I would like to say one more thing. Since you speak of party offices, as it was said before, in consequence of my position as Governor in Cracow, from January 1944 until the end, that is, the middle of January 1945, I was district leader.

Q You also received the Golden Badge of the Hitler Youth, did you not?

A No.

Q Weren't you in some way associated with Reinhard Heydrich when you were in Prague?

A No. I was with Heydrich until the middle of March 1942. Then, as was generally known, on account of the tendencies of Heydrich, I left the Protectorate, and as a man of forty-five I went into the army.

Q What position did you occupy with relation to Heydrich?

A The same as under von Neurath; I was Understate Secretary.

Q Let me put it to you this way; You told us that you never heard of Maidanek, the concentration camp?

A Yes.

Q And you never heard of Auschwitz?

A Of Auschwitz, yes.

Q Had you heard of an installation known as Lublin?

A Of Lublin? Not of the concentration camp but of the City of Lublin, of course.

Q Did you know of a concentration camp by the name of Lublin?

A No.

Q You did know, I assume, of many other concentration camps by name?

A Of German camps, yes -- of Dachau and Buchenwald.

MR. DODD: That is all.

THE PRESIDENT: Have you any questions?

DR. SEIDL: I have no more questions to the witness.

THE PRESIDENT: Who is your next witness?

DR. SEIDL: The next witness would be the former secretary of the Governor General Kraffczyk. However, if I understood the Tribunal yesterday, this session will end at

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4.30?

THE PRESIDENT: The Tribunal will adjourn now until Tuesday morning.

(A recess was taken until Tuesday, April 23.)